IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 3617 OF 2005

IN

FIRST APPEAL NO. 718 OF 1998

Smt. D. G. Kotian ..Appellant

versus

Mr. Desai, D.M.C. & Ors. ..Respondents

Ms. B. D'souza for the Appellant.

Mr. J. J. Xavier for the Respondents No.1 and 2.

CORAM : D. G. DESHPANDE,J.

DATE : 25TH AUGUST, 2005

P.C. :

1. Heard.

2. This is an application for setting aside the order of dismissal dated 17.6.2005 for non removal of office objections. Counsel for the appellant states that she has obtained certified copy of the decree in August 2005 and other objections can be removed within the stipulated period. Therefore, the order of dismissal of the appeal is set aside. Appeal is restored to file. Certified copy of the

decree should be filed and other objections should be removed within two weeks from today. If the office objections are not removed the order of dismissal to stand as it is, and no indulgence will be shown.

3. Application is allowed subject to costs of Rs.1,000/-. Payment of cost condition precedent. Cost to be paid to the Advocate for Respondent Nos. 1 and 2 within two weeks from today.

4. Put up after two weeks.

25.8.2005 (D.G. DESHPANDE, J.)